

1 A -- nobody has run against me.

2 Q How long have you been in general civil?

3 A Since January 1991.

4 Q And prior to that what areas did you  
5 serve in?

6 A I was -- I served in the Criminal  
7 Division in 1990. And then I was in 1989, calendar  
8 year, I was in Plant City, which was a -- Plant City is  
9 kind of a mixed division. We would do civil cases,  
10 probate, and family law kind of cases.

11 And then before that -- that's my Circuit  
12 Court assignments. And before that when I was in  
13 County Court --

14 Q That's all right. We don't need to go  
15 back that far.

16 A Okay. All right.

17 Q Let me ask you this: How long have you  
18 been in Division E of general civil?

19 A Division E, let me see, it was April 1st,  
20 April Fool's Day -- that's when we did the change. We  
21 thought it was appropriate -- when I left the trial  
22 division. I had been in Division F. I went in the  
23 trial division for 15 months. And then I went to  
24 Division E, it had to be April 1, 1999. I think I was  
25 in there --

1 Q Just last year?

2 A -- all of '98 and April of last year. So  
3 I've been in there a little over a year and a half now  
4 I think.

5 Q What constitutes general civil? What is  
6 included in that?

7 A General civil would be all the civil  
8 cases that are filed, people suing one another for auto  
9 accident kind of cases, slip and falls, somebody owes  
10 money, mortgage foreclosures, all that kind of stuff.

11 It's really all the civil cases except  
12 for the family law cases. They're in a separate  
13 division. So anything involving divorce, or custody,  
14 or child support, or something like, that's in a  
15 separate division called the Family Law Division.

16 Q So, is it fair to say there's basically  
17 three areas: You've obviously got your criminal,  
18 you've got your family, and you've got your general  
19 civil?

20 A Right. Then you have probate, which is  
21 different.

22 Q Is that generally the Chief Judge's  
23 responsibility?

24 A No. We have a -- we have a judge in the  
25 Probate Division, Judge Susan Sexton.

1 Q Just one judge?

2 A One judge. She does probate and  
3 guardianships and stuff.

4 Q Got you.

5 A And then we have some subdivisions, but,  
6 you know, like drug court. And we've got -- we have  
7 preliminary presentations, and, you know, we have some  
8 other stuff, but -- and you've got Juvenile Division  
9 too. Juvenile Division is a separate division that's  
10 handles --

11 Q That's not done by criminal or general  
12 civil, that's just a separate --

13 A Separate division, judges that are  
14 assigned to the Juvenile Division.

15 Q I'm not going to belabor this, but I want  
16 to ask you. If I had a favorite judge in a special  
17 relationship, do you have an opinion as to whether or  
18 not it's possible to manipulate the random assignment  
19 system?

20 A If -- if it's possible I don't know of  
21 it.

22 Q Okay.

23 A The assignment of cases is all done by  
24 the Clerk's office.

25 Q Your lawyer knew that I was going to ask

1 you that. Actually I wasn't, but I heard I was  
2 supposed to on the --

3 A Yeah, I heard that, too.

4 Q -- on the public radio this morning.

5 A I read that this morning in the paper.

6 Q Can you tell me how you knew that ahead  
7 of time?

8 A I read it in the paper. And then we'd  
9 heard -- well, actually we heard it from some media  
10 people yesterday that that was going to be -- that was  
11 an issue apparently.

12 Q Okay.

13 A But as far as I know, the Clerk's office  
14 handles all the assignment of cases of the divisions  
15 with the exception of when we created this trial  
16 division what we -- let me try to explain this to you  
17 if I can.

18 In the General Civil Division we have  
19 certain amount of trial weeks that we try cases during  
20 the year. And I think I'm pretty typical of the way  
21 the other judges do it.

22 We set up -- I have two trial weeks one  
23 month, and the next month I have one trial week for  
24 jury trials, and one week set aside for non-jury  
25 trials. So I alternate two and one, two and one. So

1 basically I have 18 trial weeks a year that I have set  
2 aside for jury trials.

3 We had a problem with dealing with long  
4 trials, and by that I mean cases that took over a week  
5 or two, because we weren't set up to do that because on  
6 the weeks when we weren't trying jury trials, we were  
7 doing dockets, having hearings on motions and stuff.

8 So we -- the Bar, the civil Bar of  
9 Hillsborough County, had been on us for sometime to try  
10 to set up a trial division because we've got a trial  
11 division in criminal court. As a matter of fact, we  
12 have two trial divisions. Now there's just one, but we  
13 had two that just tried cases.

14 And so those courts would be better set  
15 up to if you had a three-week, four-week, five-week  
16 trial you could just try it; it didn't matter. So we  
17 wrestled with the idea, and we finally came up with a  
18 plan. And we worked on it for a couple of years,  
19 actually, to try to work out the logistics of it.

20 And we set up this trial division which  
21 was initially anything that was going to take over two  
22 weeks I think, or over one week, anyway, would go to  
23 the trial division.

24 And the reason I'm getting to this is  
25 because other than the random assignment of cases,

1 which whenever a trial case is filed in the Clerk's  
2 office they assigned it randomly to a division. We had  
3 ten different divisions of the civil division; ten  
4 judges, ten letter divisions. And it would be randomly  
5 assigned to one of those ten.

6 But once we had the trial division, we  
7 went down to nine of those divisions and then we had  
8 this trial division.

9 Now, if you had a case in the -- in your  
10 division that you thought was going to take more than  
11 that time frame to try, then at the -- at the  
12 suggestion of the attorneys or the judge that had the  
13 case, the case could be transferred to the trial  
14 division.

15 Q Got you.

16 A But the final decision on whether the  
17 case got transferred to the trial division was the  
18 judge that had the case. So in other words, if I had a  
19 four-week case and I decided I wanted to try it, and I  
20 was going to make arrangements and manipulate my docket  
21 to try it, then I would say, "No, I'm not sending it to  
22 the trial division, I'm going to keep this case and try  
23 it."

24 Q Okay. We don't want to belabor this. We  
25 have other areas to explore.

1 A Okay. But --

2 Q Let me just ask you quickly, if you in  
3 Division E -- is it?

4 A Yes.

5 Q -- were to recuse yourself from a case,  
6 would that case go back to the Clerk's office for  
7 reassignment?

8 A Exactly.

9 Q Okay. So there's no natural rotation to  
10 the next F division, --

11 A Huh-uh.

12 Q -- G division, H division?

13 A Huh-uh, no.

14 Q Okay, thank you. I was looking over  
15 notes this morning and I ran across a letter from your  
16 attorney to Mr. Rudy dated August 10, 2000. It said,  
17 "Dear Mr. Rudy:" I suspect, since it's your counsel,  
18 you're familiar with this, and say so --

19 A Well, probably not, but go ahead.

20 Q "I would like to visit with you prior to  
21 making your decision public relating to the  
22 investigation of Judge Robert Bonanno. Regardless of  
23 what you decide to do, I think it would serve  
24 everyone's best interest if you alert me of a decision  
25 prior to it becoming public.

1 "Please be mindful that the investigation  
2 apparently focused on the hard facts of the case.  
3 There is substantial exculpatory material of a general  
4 nature that we would be glad to provide you." And then  
5 it goes on with a little bit.

6 A Uh-huh.

7 Q But that's the basic of it. "There is  
8 substantial exculpatory material of a general nature  
9 that we would be glad to provide to you."

10 A Okay.

11 Q This is your chance to provide it. You  
12 know exactly what I'm talking about.

13 A No, I don't know exactly what you're  
14 talking about because I don't know what people are  
15 interested in. I know --

16 Q Well, why did you hire an attorney at  
17 that point or retain an attorney?

18 A Well, he's been my attorney for years. I  
19 didn't -- I didn't retain him because of that.

20 Q Did you go see him as a result of the  
21 allegations made by Judge Holder?

22 A He came to see me. And he says, "I  
23 think -- I think, you know, we need to deal with this  
24 thing a little more formally because it's -- it's  
25 blowing up."



1                   When this thing first happened, I thought  
2     it was just going to be a simple issue that Judge  
3     Holder and I could have resolved. And when he -- when  
4     I saw he got all excited about it.

5                   And then when he decided that he didn't  
6     want to do that, that he wanted to formalize the thing  
7     with some kind of an investigation, which I was glad to  
8     do, I said, "Fine, let's do it."

9                   Then when I -- when -- 30 minutes after  
10    he made that decision I get a call from the St. Pete  
11    Times, two of their reporters, then I knew that it was  
12    going to start getting to be public issue, and it did  
13    become public.

14                  Q       We're going to cover all of that.

15                  A       But I'm just -- you're asking me what --  
16    how that all came about.

17                  Q       No, I'm asking you what exculpatory  
18    information is being referred to?

19                  A       I'd like -- well, I can tell you this:  
20    There's been a -- all I know is what I read in the  
21    paper. And I don't know what you or this Grand Jury  
22    considers competent testimony.

23                  For example, there was -- there was a  
24    statement made by -- attributed to Judge Holder, and I  
25    don't know who said what because he didn't say it to

1 me, but I'm just -- the newspaper reported it, that it  
2 was commonly known that he was out of town.

3 And I can provide exculpatory evidence  
4 that it wasn't commonly known that he was out of town.  
5 I didn't know and it wasn't commonly known. Now, I  
6 don't know whether that's important to anybody because  
7 I don't --

8 Q Well, that's good to know. And we know  
9 that you didn't know he was out of town now. Is there  
10 any other exculpatory information?

11 A About -- then we also read in there that,  
12 in the paper, that he said it was unprecedented to have  
13 a judge come to another judge's office like I did to  
14 try to talk to him. And we could present numerous  
15 judges to show that wasn't true; that it's preceded  
16 rather than not preceded. But again, I don't know  
17 if that's important.

18 So when I say exculpatory evidence, I  
19 guess -- and I don't know, you will have to talk to  
20 Mr. Fernandez because he wrote the letter; I don't know  
21 what he meant by that. But I just know that a lot of  
22 the issues that we read about in the newspaper were  
23 mischaracterizations of things.

24 Q Okay, sir. A lot of this happened  
25 shortly after the time that Harry Lee Coe died.

1 A Uh-huh.

2 Q You're aware that there was considerable  
3 speculation about the Chief Judge --

4 A Uh-huh.

5 Q -- becoming State Attorney?

6 A Yes.

7 Q Were you supportive of his efforts to do  
8 that?

9 A Judge Alvarez?

10 Q Yes.

11 A No.

12 Q Meaning you did not want him to become  
13 State Attorney?

14 A I didn't think he should.

15 Q Did you share that with him?

16 A Yes, I did. Because I don't think it's  
17 good for him because of his heart condition and his  
18 health. And the position that he's in now, he didn't  
19 need the aggravation of having to get appointed to that  
20 position and then immediately run for it.

21 Q I've always wanted validation of this.  
22 You're saying being State Attorney is a lot harder than  
23 being a Circuit Judge?

24 A Absolutely.

25 Q Okay.

1           A           And I was a State Attorney for five years  
2           so I --

3                       MR. FERNANDEZ: Assistant.

4           A           I was an Assistant State Attorney, excuse  
5           me. I haven't been in your position.

6           Q           I have wanted the Grand Jury to hear that  
7           ever since I've been here.

8           A           It's a very tough, a very stressful job  
9           and a lot of responsibility.

10          Q           I kid you. But --

11          A           I'm serious about that.

12          Q           I know you are.

13          A           But anyway, so I really -- I really  
14          didn't want him to go for State Attorney.

15          Q           Well, so for --

16          A           Just like I don't think it's a good idea  
17          for him to run for Mayor, which some of you may have  
18          read in the paper, because Judge Alvarez seems to be  
19          running for everything. But, you know, I don't think  
20          it's good for him to do that either. He should stay  
21          where he's at. As a friend I feel that way.

22          Q           For the sake of argument, had he  
23          become -- had he gone to some other position, some  
24          other job --

25          A           Uh-huh.

1           Q       -- would you have been interested in  
2 being Chief Judge?

3           A       Well, that's an interesting question  
4 because a lot of people had approached me about that,  
5 that if he -- if he did do that would I run for the  
6 job. And I said, "If we can't find anybody else and  
7 the people -- the judges, the majority want me, I'll do  
8 it." But I wasn't real enthused about doing it.

9           Q       Was Judge Gaspar Ficarrotta one that was  
10 encouraging you to do it?

11          A       We talked about it. He said he wasn't --  
12 he wouldn't -- he wouldn't -- he didn't want to go for  
13 it. So, and, of course, it seemed like, I don't know  
14 why, just maybe -- maybe it's just from people I talked  
15 to, but it seemed like that he was sort of the person  
16 that everybody figured would run for Chief Judge if  
17 Judge Alvarez decided not to do it anymore.

18          Q       Did you become aware of a conversation  
19 that Judge Gaspar Ficarrotta had with Judge Holder  
20 regarding supporting you for Chief Judge?

21          A       He may have told me that some time  
22 afterwards. I think -- I think I recall something  
23 about that.

24          Q       Somewhat of an unflattering response from  
25 Judge Holder, "I'll support him when pigs fly," or

1 something to that effect?

2 A No, I didn't hear that. I didn't hear  
3 that.

4 Q Did you --

5 A I thought he said that he would consider  
6 it or he would -- something to that effect. I don't  
7 know. You'll have to ask judge Ficarrotta because I  
8 don't remember.

9 Q What was shared with you was not anything  
10 that offended you then?

11 A No.

12 Q Is that what I'm hearing?

13 A No.

14 Q Okay. How would you characterize at that  
15 point in time your relationship with Judge Holder?

16 A Cordial, I mean, and as colleagues.

17 Q The date in question, and correct me if  
18 I'm wrong, --

19 A The 27th.

20 Q -- was July 27th.

21 A July 27th.

22 Q Prior to that when is the last time you  
23 were in Judge Holder's office?

24 A I would say, and I know I was asked this  
25 before and I've thought about it some more afterwards,

1 and I think that that's probably the best thing would  
2 have been the Friday after Judge --

3 Q Coe?

4 A -- Coe had committed suicide.

5 Q Which was prior to July 27th?

6 A And I've got -- what I have got here is  
7 just some dates that I've written down because I looked  
8 them up. And I think that was -- when did Judge --  
9 Friday was -- one second. I'll tell you exactly when  
10 it was. Because I left and I went on a little vacation  
11 that same day, that Friday. It was -- it was July --  
12 the Friday before. Oh, Friday, July 14th.

13 Q Okay, sir.

14 A That would have been when it was.

15 Q All right. And that was a social visit  
16 or that was a business visit?

17 A I don't remember whether he called me to  
18 go see him or I would have called him. But anyway, I  
19 went down there and we talked about stuff that was  
20 going on about the -- Judge Coe's death.

21 And then I think he brought up, "Well,  
22 what do you -- what do you think about the next Chief  
23 Judge if Dennis gets the thing?"

24 Well, first of all, when I went there, he  
25 told me that he'd just gotten off the phone with